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10/731,233

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EXAMINER

LIU, ERIC

ART UNIT

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3628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/731,233 | Applicant(s) BRAMNICK ET AL. | |
| | Examiner Eric Liou | Art Unit 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The Examiner acknowledges the 37 CFR 1.131 affidavit filed stating that Applicant's invention predates the Bertram reference. Thus, the Examiner has removed the Bertram reference from all art rejections.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 6-8, 10-12, 13, 15-16, 18-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Campbell et al., U.S. Publication No. 2003/0144867.

4. **As per claims 1 and 13**, Slivka discloses a method and a machine-readable storage (Slivka: paragraph 0018) for re-accommodating passengers who are unable to travel on scheduled flights, comprising the steps of:

obtaining passenger data and flight operations data (Slivka: Figure 1, "120" and "118"; paragraphs 0032-0034);

processing the passenger data and the flight operations data based on a set of rules (Slivka: paragraphs 0024; 0026-0027; 0037; A set of rules are used to calculate values that are used to rank the disrupted passengers.);

displaying re-accommodation information as a result of the processing (Slivka: paragraphs 0028, “monitor 115”; Slivka teaches monitor 115 can provide information to one or more external entities including a travel provider or travel agent service, but does not explicitly teach displaying the re-accommodation candidates. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Slivka to have included displaying the re-accommodation candidates for the advantage of allowing a travel provider or agent to visually track and confirm all of the passengers that need to be re-accommodated.); and

selecting passengers for re-accommodation from the re-accommodation candidates (Slivka: Figure 2, “235”; Figure 3; paragraph 0044-0045.).

5. Slivka does not disclose customer relationship management data.
6. Campbell discloses customer relationship management data (Campbell: paragraphs 0046; 0050).
7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine-readable storage of Slivka to have included customer relationship management data as disclosed by Campbell for the advantage of analyzing and predicting future travel spending (Campbell: paragraph 0050).
8. **As per claims 3 and 15**, Slivka discloses a method and machine-readable storage wherein said passenger data comprises a frequent flyer status of each passenger (Slivka: paragraph 0035, “frequent flier information”).
9. **As per claims 4 and 16**, Slivka discloses a method and machine-readable storage wherein said passenger data comprises a remaining unflown ticket value of each passenger.

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(Slivka: paragraph 0035 – The Examiner interprets the average cost of the passenger’s travel history to include the remaining unflown ticket value.).

10. **As per claims 6 and 18**, Slivka discloses a method and machine-readable storage wherein said passenger data comprises passenger lifetime value data (Slivka: paragraphs 0024, “...values associated passengers based on one or more travel rules.”; 0037, “a PNR value for a disrupted passenger”).

11. **As per claims 7 and 19**, Slivka discloses a method and machine-readable storage wherein said passenger data comprises re-accommodation data (Slivka: paragraphs 0035, “profile status of the passenger”; 0036, “...re-accommodation driver 111 may retrieve from operations database 118 seat availability information associated with each flight included in the flight schedule information.”).

12. **As per claims 8 and 20**, Slivka discloses a method and machine-readable storage wherein the processing step comprises scoring passengers based on the set of rules, and displaying the score of each passenger (Slivka: paragraphs 0026, “...the present invention may also employ rules that rank certain types of passengers.”; 0028, “monitor 115”).

13. **As per claims 10 and 22**, Slivka discloses a method and machine-readable storage wherein said rules comprise arranging said passengers according to passenger frequent flyer status (Slivka: paragraph 0024, “... rules engine 113 may associate a data code reflecting a type of travel status of a passenger, such as a frequent flyer status.”).

14. **As per claims 11 and 23**, Slivka discloses a method and machine-readable storage wherein said rules require arranging said passengers according to passenger lifetime value data (Slivka: paragraph 0024, “...values associated passengers based on one or more travel rules.”).

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15. **As per claim 12**, Slivka discloses a system for re-accommodating passengers, comprising:

means for storing passenger data (Slivka: Figure 1, “120”, “110”, and “108”);

means for storing flight operations data (Slivka: Figure 1, “118”);

means for storing a set of rules (Slivka: Figure 1, “113”; paragraph 0022; 0024);

means for processing the passenger data and the flight operations data based on the set of rules (Slivka: Figure 1; paragraphs 0024; 0026-0027); and

means for displaying re-accommodation information as a result of a processing of the processing means (Slivka: paragraph 0028, “monitor 115”; Slivka teaches monitor 115 can provide information to one or more external entities including a travel provider or travel agent service, but does not explicitly teach displaying the re-accommodation candidates. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Slivka to have included displaying the re-accommodation candidates for the advantage of allowing a travel provider or agent to visually track and confirm all of the passengers that need to be re-accommodated.); and for selecting passengers for re-accommodation from the re-accommodation information (Slivka: Figure 1, “115” and “106”; paragraphs 0044-0045).

16. Slivka does not disclose customer relationship management data.

17. Campbell discloses customer relationship management data (Campbell: paragraphs 0046; 0050).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Slivka to have included customer relationship

management data as disclosed by Campbell for the advantage of analyzing and predicting future travel spending (Campbell: paragraph 0050).

19. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Campbell et al., U.S. Publication No. 2003/0144867 and further in view of Lancaster et al., U.S. Publication No. 2002/0133456.

20. **As per claims 5 and 17**, Slivka in view of Campbell does not disclose a method and machine-readable storage wherein said passenger data comprises a rebooking cost of each passenger.

21. Lancaster discloses the rebooking cost of each passenger (Lancaster: paragraph 0191, "...fees associated with cancellation/rebooks.").

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine-readable storage of Slivka in view of Campbell to have included a rebooking cost of each passenger as disclosed by Lancaster for the advantage of providing the ability to value the financial worth of a negotiated agreement (Lancaster: paragraph 0070).

23. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Campbell et al., U.S. Publication No. 2003/0144867 and further in view of Boies et al., U.S. Publication No. 2002/0082878.

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24. **As per claims 9 and 21**, Slivka in view of Campbell does not disclose a method and machine-readable medium wherein said rules comprise arranging passengers according to a descending revenue impact to the airline.

25. Boies discloses arranging passengers according to a revenue impact to the airline (Boies: Figure 4, “430” - The Examiner notes, one skilled in the art would have the knowledge to arrange the list of different seat classes by descending revenue to the airline. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have arranged the seat classes in descending order for the advantage of representing data in an organized manner, which makes it easier to analyze the results.).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine-readable storage of Slivka in view of Campbell to have included arranging passengers according to a descending revenue impact to the airline as disclosed by Boies for the advantage of providing cost information that will allow airline personnel to re-accommodate passengers in a manner that benefits the airline the most financially.

Conclusion

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is (571)270-1359. The examiner can normally be reached on Monday - Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Eric Liou/
Examiner, Art Unit 3628

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628